

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 10, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7 are pending in the Application. Claims 3-7 are added by this amendment. By means of the present amendment, claim 2 is amended for better conformance to U.S. practice, such as beginning the dependent claim with "The" as opposed to "An". By this amendment, claim 2 is not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claims 1-2 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,764,328 to Van Dulmen ("Van Dulmen") in view of U.S. Patent Publication No. 2001/0013748 to Ishihara ("Ishihara") in further view of U.S. Patent No. 5,932,501 to Brocheton ("Brocheton"). It is

respectfully submitted that claims 1-7 are patentable for at least the following reasons.

Van Dulmen is and has been assigned to Koninklijke Philips Electronics N.V., the same assignee as the present patent application. Under 35 U.S.C. § 103(c) the subject matter of Van Dulmen shall not preclude patentability under 103(a), when if at the time the invention was made, Van Dulmen was subject to an obligation of assignment to the same entity as the present patent application and Van Dulmen is prior art only under one or more of subsection 102(e), (f), and (g).

It is respectfully submitted that the present patent application was assigned to Koninklijke Philips Electronics N.V., and was under such an obligation at the time of filing. Thus, since the cited reference, namely Van Dulmen, was assigned to Koninklijke Philips Electronics N.V. at the time the present invention was made, namely the filing of the present patent application, Van Dulmen cannot be used in a 35 U.S.C. § 103(a) rejection since Van Dulmen is prior art only under 35 U.S.C. § 102(e).

The present invention was filed on October 16, 2003 and claims the benefit of European Patent Application No. 02292767.7, filed on

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November 6, 2002. Van Dulmen was filed on November 9, 2001 and was published on January 2, 2003, after the priority date for the present patent application. Accordingly, Van Dulmen is only prior art under 35 U.S.C. § 102(e).

The Undersigned hereby states that both the present patent application and U.S. Patent No. 6,74,328 to Van Dulmen were, at the time the invention of the present patent application was made, owned by or subject to an obligation of assignment to Koninklijke Philips Electronics N.V. A copy of this statement is being submitted on a separate sheet attached hereto.

Accordingly, the Applicants respectfully submit that the citation of Van Dulmen in the 35 U.S.C. § 103(a) rejection is improper and that Van Dulmen should not bar the patentability of claims 1-7 under 35 U.S.C. § 103(a). Since the Office Action acknowledges that Ishihara and Brocheton alone are not sufficient for rejecting claims 1-2, the Applicants respectfully request that the rejection of claims 1-2 under 35 U.S.C. § 103(a) be withdrawn and that claims 1-7 be allowed.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

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argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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June 2, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
MAARTEN WALTER STEINMANN ET AL.
Serial No.: 10/533,727
Filed: MAY 3, 2005

Atty. Docket: FR 020115
Group Art Unit: 2879
Examiner: DONALD L. RALEIGH
CONF. NO.: 4535

TITLE: RED-COLORED ELECTRIC LAMP

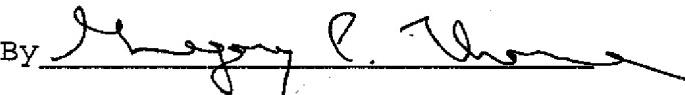
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF COMMON OWNERSHIP TO DISQUALIFY
A REFERENCE UNDER 35 U.S.C. § 103(c)

Sir:

The Undersigned hereby states that both the instant application, namely U.S. Patent Application Serial No. 10/533,727 and U.S. Patent No. 6,764,328 were, at the time the invention of the instant application was made, owned by or subject to an obligation of assignment to Koninklijke Philips Electronics N.V.

Respectfully submitted,

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